

Honorable Judge Timothy W Dore
Chapter 7
Hearing Location: Seattle

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

IN RE

SON D NGUYEN AND
DAO A DIEP

DEBTORS.

CHAPTER 7

CASE NO.: 11-23940-TWD

**DECLARATION IN SUPPORT OF
MOTION FOR RELIEF FROM AUTOMATIC STAY**

I, Rocio Szwed, declare under penalty of perjury as follows:

1. I am an Assistant Vice President of Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP ("BANA") and am authorized to sign this declaration on behalf of BANA, as movant ("Movant") with respect to a certain loan (the "Loan") provided to Debtors, which Loan is evidenced by the Note (defined below) and secured by the Deed of Trust (defined below). This Declaration is provided in support of the Motion for Relief from Stay filed by Movant in this proceeding (the "Motion").

2. As part of my job responsibilities for BANA, I am familiar with the types of records maintained by BANA in connection with the Loan and the procedures for creating those types of records. I have access to the books, records and files of BANA that pertain to the Loan and extensions of credit given to Debtors concerning the Property (defined below).

3. The information in this declaration is taken from BANA's business records regarding the Loan. I have personal knowledge of BANA's procedures for creating these types of records. The

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1 records are: (a) made at or near the time of the occurrence of the matters recorded by persons with
2 personal knowledge of the information in the business record, or from information transmitted by
3 persons with personal knowledge; (b) kept in the course of BANA's regularly conducted business
4 activities; and (c) it is the regular practice of BANA to make such records. I have personal knowledge
5 of and prior to executing this declaration reviewed the books, records and files of BANA with respect
6 to the Loan that is the subject of the Motion.

7
8 4. The Debtors have executed and delivered or are otherwise obligated with respect to that
9 certain promissory note in the original principal amount of \$520,000.00 (the "Note"). A true and
10 correct copy of the Note is attached to the Motion as Exhibit A.

11 5. Movant is an entity entitled to enforce the Note because Movant is in possession, either
12 directly or through the use of an authorized agent and/or document custodian, of the Note endorsed in
13 blank.

14
15 6. Pursuant to that certain Deed of Trust (the "Deed of Trust"), all obligations (collectively,
16 the "Obligations") of the Debtors under and with respect to the Note and the Deed of Trust are secured
17 by the Property. A copy of the Deed of Trust is attached to the Motion as Exhibit B.

18 7. As of January 9, 2012, the outstanding amount of the Obligations less any partial
19 payments or suspense balance is \$638,449.78.

20
21 8. In addition to the other amounts due to Movant reflected in this Motion, as of the date
22 hereof, Movant has incurred legal fees associated with the filing of this motion. Movant reserves all
23 rights to seek an award or allowance of such fees and expenses in accordance with applicable loan
24 documents and related agreements, the Bankruptcy Code and otherwise applicable law.

25
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9. The following chart sets forth the number and amount of payments due pursuant to the terms of the Note that have been missed by the Debtors as of January 9, 2012:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Amounts Delinquent
35	December 1, 2008	October 1, 2011	\$3,135.95	\$109,758.25
2	November 1, 2011	December 1, 2011	\$3,144.21	\$6,288.42
1	January 1, 2012	January 1, 2012	\$1,898.38	\$1,898.38

Total: \$117,945.05

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of February, 2012 at Simi Valley (city), California (state).


Name: Rocio Szwed
Title: Assistant Vice President

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